

Message Text

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DRAFTED BY NEA/P:EOJONES
APPROVED BY NEA/P:GFSHERMAN
S/PRS - MR. FUNSETH (INFO)
H - MR. FLATEN
SSM - MR. MC ANDREW
NEA - MS. GRIFFIN
NEA/IAI - MR. SMITH
NEA/ARN - MR. REUTHER
NEA/AFN - MS. WEISLOGEL
NEA/EGY - MR. NEWBERRY
EUR/WE:MS. SMITH
EUR/P:MR. SEIDNER

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FM SECSTATE WASHDC
TO AMEMBASSY ALGIERS IMMEDIATE
AMEMBASSY BONN IMMEDIATE
AMEMBASSY CAIRO IMMEDIATE
AMEMBASSY PARIS IMMEDIATE
AMEMBASSY TEL AVIV IMMEDIATE
AMEMBASSY ABU DHABI
AMEMBASSY AMMAN
USINT BAGHDAD
AMEMBASSY MANAMA
AMEMBASSY RABAT
AMEMBASSY SANA
AMEMBASSY TEHRAN
AMEMBASSY TRIPOLI
AMEMBASSY TUNIS
USMISSION SINAI
AMCONSUL DHAHRAN
USMISSION GENEVA
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AMEMBASSY KHARTOUM
AMEMBASSY LONDON
AMEMBASSY MOGADISCIO
AMEMBASSY MOSCOW
USMISSION NATO
AMEMBASSY NOUAKCHOTT
AMEMBASSY ROME
USMISSION USUN NEW YORK
AMEMBASSY BEIRUT
AMEMBASSY DAMASCUS

AMEMBASSY DOHA
AMCONSUL JERUSALEM
AMEMBASSY JIDDA
AMEMBASSY KUWAIT
CINCEUR

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GENEVA FOR MEPC DEL, CINCEUR FOR POLAD

E.O. 11652: N/A

TAGS: PFOR

SUBJECT: DEPARTMENT PRESS BRIEFING - JANUARY 13

1.
FOR YOUR INFORMATION AND GUIDANCE FOLLOWING ARE EXCERPTS
FROM DEPARTMENT SPOKESMAN'S PRESS BRIEFING FOR
JANUARY 13, 1977:

Q.
IN VIEW OF THE FRENCH FOREIGN MINISTRY'S REJECTION AS AN
INADMISSIBLE APPRECIATION OF ACTS OF FRENCH JUSTICE, I AM
WONDERING, DO YOU BELIEVE THAT JOHN TRATTNER'S STATEMENT
OF DISMAY WAS REALLY STRONG ENOUGH? AND IN THIS CONNECTION,
I WOULD ASK YOU, BOB, DOES THE SIGHT OF A TEN-YEAR OLD
PARADING WITH A SIGN, "DAOUD KILLED MY FATHER" MERELY DISMAY
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YOU AND THE SECRETARY, RATHER THAN EVOKING DISGUST OR CON-
TEMPT OR EVEN OUTRAGE, AT WHAT IS RIGHTLY BELIEVED TO BE
THE FRENCH CONTRIBUTION TO PIRACY AND MASS MURDER?

A. TAKING THE LAST QUESTION FIRST, THE FACT OF THE MATTER
IS I THINK THE SECRETARY, WHEN ASKED IN NEW YORK THE OTHER
DAY, DID SAY THAT IT WAS AN OUTRAGE. AND JOHN HERE, AS
ACTING SPOKESMAN, HAD EXPRESSED OUR DISMAY. AND WHEN OUR
CHARGE WAS AT THE QUAI D'ORSAY YESTERDAY, HE REITERATED

THE U.S. GOVERNMENT'S DISMAY AT THE RELEASE OF DAOUD.

Q. COULD I FOLLOW THAT UP? AS AN EXPERIENCED FOREIGN
SERVICE OFFICER, WHAT DO YOU FEEL WILL BE THE EFFECT OF
THE PRESIDENT-ELECT TELLING THE AMERICAN PEOPLE HE IS
DEEPLY DISTURBED -- QUOTE, QUOTE -- BY THE RELEASE OF
DAOUD, AND THEN IMMEDIATELY SAYING THAT HE WILL NOT DIS-
CUSS THIS WITH GISCARD ON THE PHONE?

A. AS AN EXPERIENCED FOREIGN SERVICE OFFICER, I WOULD NOT
PRESUME TO SPECULATE ON THE EFFECT OF THE STATEMENTS BY
THE PRESIDENT-ELECT OF THE UNITED STATES. (LAUGHTER)

Q. DO YOU HAVE ANY DIRECT COMMENT ON THE FRENCH GOVERN-

MENT'S PROTEST TO THE AMERICAN GOVERNMENT'S PROTEST?
WHERE DOES THIS LEAVE YOU?

A. AS I SAID, WHEN THE DIRECTOR FOR AMERICAN AFFAIRS AT THE FRENCH FOREIGN MINISTRY INFORMED OUR CHARGE THAT THE FRENCH GOVERNMENT FELT THAT OUR STATEMENT WAS AN INADMISSIBLE COMMENTARY ON THE PROCEDURE OF FRENCH JUSTICE, MR. GAMMON REITERATED THE U.S. GOVERNMENT'S DISMAY AT MR. DAOUD'S RELEASE.

Q. IS THAT WHERE THE THING ENDS, DO YOU THINK, OR IS THERE ANY MORE FORMALISTIC RESPONSE THAT THE STATE DEPARTMENT-
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MENT WILL MAKE?

A. WE ARE NOT SAYING ANYTHING MORE, NO. OUR POSITION IS CLEAR.

Q. ON THE SAME AREA, DOES THE STATE DEPARTMENT HAVE ANY VIEW ON THE FRENCH DECISION TO SELL EGYPT 200 MIRAGE JET FIGHTERS?

A. I DO NOT THINK WE WILL HAVE ANY COMMENT. HOWEVER, I THINK WE WILL BE STUDYING THE IMPLICATIONS OF SUCH AN ARMS SALE.

Q. HAVE U.S. AUTHORITIES NOW DISCUSSED WITH ISRAEL THE RE-EXPORTING OF CERTAIN AMERICAN MILITARY EQUIPMENT FROM ISRAEL, TO WIT, JET ENGINES TO HONDURAS?

A. AS I HAVE INDICATED A FEW DAYS AGO, WHEN THIS SUBJECT FIRST CAME UP, WE HAVE BEEN DISCUSSING REPORTS OF SUCH TRANSFERS WITH THE ISRAELI GOVERNMENT, AND WE ARE AWAITING THEIR REPLY. AND UNTIL WE HAVE HAD IT, I AM NOT ABLE TO

COMMENT ON ANY SPECIFIC REPORTS.

Q. BOB, ON THE QUESTION OF THE MIRAGES, WOULD THE SALE OF 200 SUCH PLANES AFFECT THE BALANCE IN THE MIDDLE EAST, THE ARMS BALANCE, IN THE AMERICAN VIEW?

A. I THINK THAT IS ONE OF THE IMPLICATIONS WE WOULD BE STUDYING.

Q. ON THE OTHER POINT, THE DISCUSSIONS WITH ISRAEL, HOW MANY COUNTRIES, OR HOW MANY AREAS DO THOSE DISCUSSIONS COVER?

A. I AM NOT ABLE TO ANSWER THAT QUESTION.
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Q. IT IS MORE THAN ONE ARMS TRANSFER YOU ARE TALKING ABOUT?

A. WE HAVE INDICATED PREVIOUSLY THAT THERE WERE REPORTS, MORE THAN ONE.

Q. WHY CAN'T YOU SAY HOW MANY COUNTRIES ARE INVOLVED?

A. WE HAVE HAD SOME REPORTS AND WE HAVE LOOKED INTO THEM. AND WE HAVE HAD SOME DISCUSSIONS WITH ISRAEL ON IT, AND WE JUST FEEL IT WOULD NOT BE APPROPRIATE FOR US TO GO INTO ANY DETAILS OR ANY FURTHER SPECIFICS UNTIL WE HAVE A REPLY FROM THE ISRAELIS.

Q. JUST SO WE ARE CLEAR ON THIS, IF YOU WANT TO PUT IT ON BACKGROUND OR WHATEVER, WHAT IS THE SEQUENCE? SUPPOSING YOU DO FIND THAT AMERICAN LAW HAS BEEN VIOLATED. HYPOTHETICALLY, WHAT HAPPENS THEN? IS IT AUTOMATIC OR IS IT A MATTER OF DISCRETION AND JUDGMENT BY THE AMERICAN ADMINISTRATION, OR WHAT?

A. ON THE RECORD OR ON BACKGROUND, I WOULDN'T WANT TO SPECULATE.

Q. I AM NOT ASKING YOU TO SPECULATE, I AM ASKING YOU WHAT THE SEQUENCE IN LAW IS.

A. I THINK THAT IS HYPOTHETICAL, AND I REALLY WOULD NOT WANT TO SPECULATE. WE ARE GETTING INTO A HYPOTHETICAL SITUATION.

Q. IT IS NOT HYPOTHETICAL.

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Q. THERE MUST BE SOMETHING WRITTEN INTO THE LAW WHICH SAYS WHAT HAPPENS IF IT IS VIOLATED. WE HAVE HAD TROUBLE WITH THE TURKS AND OTHERS. WE HAVE CUT THEM OFF BECAUSE OF WHAT THE LAW SAYS. WHAT DOES THE LAW SAY IN THIS CASE?

A. AGAIN, FIRST YOU ARE ASSUMING THAT SOMETHING HAS BEEN VIOLATED, AND I THINK IT WOULD REALLY NOT BE APPROPRIATE FOR ME TO SPECULATE UNTIL --

Q. CAN YOU GET US A READING ON WHAT THE LAW SAYS ABOUT A VIOLATION IN THIS KIND OF A SITUATION, PLEASE?

A. I WILL CHECK INTO IT.

Q. I WONDER IF YOU COULD REFRESH MY MEMORY. SEVERAL YEARS AGO, AS I UNDERSTAND IT, THE ISRAELIS PURCHASED A NUMBER OF MIRAGE OR MYSTERY JETS, SOMETHING LIKE 50 OF THEM, FROM FRANCE, AND FRANCE, AFTER THEY HAD BEEN PAID, REFUSED TO DELIVER THEM. AM I CORRECT, OR DO YOU REMEMBER?

A. I WOULD HAVE TO CHECK ON THAT. WHAT IS THE QUESTION?

Q. WELL, I WAS JUST GOING TO WONDER IF THE ISRAELIS WERE SOMEHOW ABLE TO TAKE 50 OF THESE 200, AS THEY DID THE FISHING BOATS, NORWEGIAN FISHING BOATS, WOULD WE, AS THE STATE DEPARTMENT, REGARD THIS AS A VIOLATION OF INTERNATIONAL LAW OR A COLLECTION OF DEBT?

A. YOU MEAN IF THERE WAS A MILITARY TRANSACTION BETWEEN ISRAEL AND FRANCE?

Q. THERE WAS.

A. YOU MEAN, IF THERE WAS ANOTHER ONE. IS THAT YOUR QUESTION?

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Q. NO, NO. I MEAN, IF THE ISRAELIS -- AS I UNDERSTAND IT, CORRECT ME IF I AM WRONG -- THE ISRAELIS PAID FOR 50 OF THESE JETS, AND THE DE GAULLE GOVERNMENT REFUSED TO DELIVER THEM, AND EVEN SENT THEM A BILL FOR STORAGE.

NOW, IF THE ISRAELIS WERE SOMEHOW ABLE TO TAKE 50 OF THESE JETS DESTINED FOR EGYPT AS DELIVERY ON THE PAYMENT THAT THEY HAVE ALREADY MADE, WOULD WE LOOK ON THIS AS A VIOLATION OF INTERNATIONAL LAW?

A. I REALLY STILL DON'T UNDERSTAND THE PURPORT OF YOUR QUESTION.

Q. THEY BOUGHT AND PAID FOR 50 JETS. THE FRENCH CHEATED AND DID NOT DELIVER THE JETS. THERE ARE 200 DESTINED FOR EGYPT. IF THE ISRAELIS, SAYING WE HAVE BEEN WITHHELD 50 OF OUR JETS THAT WE PAID FOR, HAVE BEEN WITHHELD, AND THEY TAKE, SOMEHOW, LIKE THEY TOOK THE FISHING BOATS -- WOULD WE LOOK ON THIS AS A VIOLATION OF INTERNATIONAL LAW OR WOULD WE LOOK ON THIS AS JUSTIFIABLE COLLECTION OF WHAT WAS DUE?

A. I THINK YOU HAD BETTER SPEAK TO THE ISRAELIS ABOUT THAT HYPOTHETICAL OPTION THAT YOU ARE SUGGESTING.

Q. OKAY.

Q. WHAT IS THE STATUS OF THE REQUEST FOR THE SALE OF AMERICAN C-130'S TO EGYPT, AND DOES THIS PROSPECTIVE

MIRAGE DEAL HAVE ANY BEARING ON IT?

A. I WOULD HAVE TO CHECK ON THAT QUESTION. I DO NOT KNOW THE ANSWER.

Q. ALSO IS IT ACCURATE THAT THE CBU 72'S, THE BIG GAS UNCLASSIFIED

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BOMBER, WHATEVER, THE AEROSOL BOMB, AND THE FORWARD-LOOKING INFRARED, WILL NOT BE SUBJECT TO LETTERS OF APPROVAL BY THE OPERATIVE COMMITTEES OF CONGRESS?

A. FIRST, THE DETAILS ON SUCH A TRANSFER OF MILITARY EQUIPMENT ARE STILL BEING WORKED OUT. THEY HAVE NOT BEEN COMPLETED. AND WE DO NOT REALLY EXPECT THAT NEGOTIATIONS ON THE LETTERS OF OFFER WITH ISRAEL CONCERNING THESE TRANSFERS WILL BE COMPLETED DURING THIS ADMINISTRATION.

THEREFORE, THE QUESTION OF INFORMING THE APPROPRIATE COMMITTEES OF CONGRESS, IF REQUIRED BY THE NATURE OF THE TRANSFER WHEN IT IS ULTIMATELY DECIDED, JUST DOES NOT ARISE AT THIS TIME. SO IT IS PREMATURE.

Q. WELL, LET ME GO AT IT A DIFFERENT WAY. THERE IS A REPORT THAT THE TWO CONTRACTS ARE GOING TO BE SPLIT UP INTO SEPARATE COMPONENTS, EACH OF WHICH WILL BE LESS THAN THE STATUTORY \$25 MILLION, AND THEREFORE WILL NOT BE SUBJECT TO CONGRESSIONAL APPROVAL OR DISAPPROVAL. IS THAT INDEED THE CASE?

A. I AM AWARE OF THAT NEWS REPORT. BUT IT IS MY UNDERSTANDING -- WHAT I HAVE BEEN ADVISED -- AND MY RESPONSE TO THAT PARTICULAR REPORT -- IS THAT THE DETAILS OF THESE TRANSFERS HAVE NOT BEEN WORKED OUT, AND ARE UNLIKELY TO BE WORKED OUT BEFORE THE 20TH OF JANUARY.

Q. THAT REALLY DOESN'T DEAL WITH THE SUBSTANCE, WHICH IS, NAMELY, HAVE THEY BEEN WORKED OUT TO THE EXTENT THAT THEY ARE COMPLETE --

A. THEY ARE NOT COMPLETE.

Q. -- WELL, TO THE EXTENT THAT THEY HAVE PROGRESSED, LET'S SAY. ARE THEY PROGRESSING ON THE PREMISE THAT THEY WILL UNCLASSIFIED

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BE AT A LEVEL WHICH WILL MAKE IT UNNECESSARY TO PRESENT THE PROPOSAL TO CONGRESS?

A. ALL I CAN TELL YOU, MURREY, IS, I HAVE BEEN TOLD THAT (A) THE DETAILS HAVE NOT BEEN WORKED OUT, AND (B), WE DO NOT EXPECT THE NEGOTIATIONS ON THE DETAILED LETTERS OF

OFFER TO BE COMPLETED UNDER THE TERM OF THIS ADMINISTRATION

. SO, OBVIOUSLY, ACTION ON CONGRESSIONAL ADVICE, OR EVEN REQUIREMENTS IN THE FIRST INSTANCE -- AND EVEN IF IT IS NOT REQUIRED -- WHETHER IT WOULD BE INFORMAL CONSULTATION IS A QUESTION WHICH THE NEW ADMINISTRATION WILL HAVE TO ADDRESS.

Q. IS THE POSSIBILITY OF SPLITTING THE SALES INTO TWO CONTRACTS ONE OF THE DETAILS BEING DISCUSSED?

A. I DO NOT HAVE ANY FEELING THAT THE WAY IT IS WORKED OUT IS DESIGNED TO ARRANGE IT IN SUCH A WAY THAT CONGRESS DOES NOT HAVE TO BE INFORMED, WHETHER FORMALLY OR INFORMALLY. THE DETAILS OF THE LETTERS OF OFFER WILL BE BASED ON THE REQUIREMENTS OF THE TRANSACTION.

2. THE FOLLOWING INFORMATION WAS POSTED IN THE DEPARTMENT PRESS OFFICE IN RESPONSE TO QUESTIONS TAKEN AT THE JANUARY 13 PRESS BRIEFING:

Q. WHAT IS THE STATUS OF THE SALE OF C-130'S TO EGYPT AND DOES THE FRENCH SALE OF 200 MIRAGES AFFECT THE U.S. SALES?

A. OF THE SIX C-130'S ORDERED BY EGYPT, TWO HAVE BEEN DELIVERED AND THE REMAINDER ARE SCHEDULED FOR DELIVERY OVER THE NEXT FOUR MONTHS. THE SALE OF FRENCH MIRAGES TO EGYPT WILL NOT AFFECT THIS DELIVERY SCHEDULE.

Q. IF A VIOLATION OF THE LAW PROHIBITING THIRD COUNTRY EXPORTS OF AMERICAN MILITARY SUPPLIES WITHOUT THE PERMISSION OF THE U.S. GOVERNMENT OCCURS, WHAT LEGAL SANCTIONS ARE PROVIDED IN THE STATUTE?

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MISSION OF THE UNITED STATES GOVERNMENT WERE FOUND TO HAVE OCCURRED, WHAT LEGAL SANCTIONS ARE PROVIDED IN THE STATUTE?

A. SECTION 3(A) OF THE ARMS EXPORT CONTROL ACT LIMITS THE AUTHORITY OF THE PRESIDENT TO SELL MILITARY EQUIPMENT AND TECHNOLOGY BY SPECIFYING THAT SALES MAY LAWFULLY BE MADE ONLY TO COUNTRIES WHICH HAVE AGREED NOT TO TRANSFER THE EQUIPMENT THEY BUY FROM US TO THIRD COUNTRIES WITHOUT OUR CONSENT.

IF A FOREIGN COUNTRY WHICH HAS AGREED NOT TO TRANSFER EQUIPMENT PURCHASED FROM THE UNITED STATES COMMITS A SUBSTANTIAL VIOLATION OF ITS AGREEMENT, SECTION 3(C) OF THE ARMS EXPORT CONTROL ACT REQUIRES THE PRESIDENT TO PROMPTLY SUBMIT A REPORT ON THE MATTER TO CONGRESS. (ACCORDING TO THE STATUE, A VIOLATION MAY BE CONSIDERED SUBSTANTIAL EITHER BECAUSE OF THE QUANTITY OF MATERIAL TRANSFERRED OR BECAUSE OF THE GRAVITY OF THE CONSEQUENCES.) EITHER THE PRESIDENT, BY DETERMINATION, OR CONGRESS, BY JOINT RESOLUTION, MAY DECLARE THE VIOLATING COUNTRY TO BE

INELIGIBLE FOR FURTHER MILITARY SALES AND FINANCING.
HOWEVER, THE STATUTE DOES NOT COMPEL SUCH AN ACTION IN
EVERY CASE. RATHER, IT MAKES CLEAR THAT THE PRESIDENT IS
AUTHORIZED TO TAKE THE STEPS HE CONSIDERS NECESSARY TO
DETER FURTHER VIOLATIONS AND TO ELICIT CORRECTIVE ACTION;
THE STATUTE ALSO GIVES CONGRESS AN OPPORTUNITY TO
LEGISLATE MORE SEVERE SANCTIONS IF IT BELIEVES IN A PAR-
TICULAR CASE THAT THE ACTION TAKEN BY THE PRESIDENT HAS
BEEN INADEQUATE.

THE LEGISLATION DESCRIBED ABOVE APPLIES TO THE FOREIGN
MILITARY SALES PROGRAM UNDER THE ARMS EXPORT CONTROL ACT.
SIMILAR PROVISIONS OF LAW GOVERN MILITARY ASSISTANCE UNDER
THE FOREIGN ASSISTANCE ACT OF 1961.

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